

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 55 (Sub-No. 784X)

CSX TRANSPORTATION, INC.—ABANDONMENT EXEMPTION—
IN COBB COUNTY, GA.

Decided: November 30, 2018

CSX Transportation, Inc (CSXT), filed a verified notice of exemption under 49 C.F.R. pt. 1152 subpart F—Exempt Abandonments to abandon an approximately 2.3-mile rail line on its Atlanta Terminal Subdivision, Atlanta Division, between milepost SG 579.29 near Plant Atkinson Road and milepost SG 581.61 just west of East-West Connector, in Cobb County, Ga. (the Line). Notice of the exemption was served and published in the Federal Register on November 2, 2018 (83 Fed. Reg. 55,232). The exemption is scheduled to become effective on December 2, 2018.

The Board's Office of Environmental Analysis (OEA) served an Environmental Assessment (EA) on November 9, 2018, recommending that one condition be imposed on any decision granting abandonment authority. In the EA, OEA noted that CSXT submitted a historic report to the Georgia Department of Natural Resources, Historic Preservation Division (State Historic Preservation Office, or SHPO), pursuant to 49 C.F.R. § 1105.8(c). The SHPO submitted a comment finding that the Line is eligible for listing in the National Register of Historic Places (National Register) and that removing it from federal control through the abandonment process constitutes an adverse effect, pursuant to 36 C.F.R. § 800.5(a)(2). The SHPO indicates that further consultation is necessary to avoid or reduce the adverse effect the proposed abandonment would have on the associated historic properties. Accordingly, OEA recommended a condition requiring CSXT to retain its interest in and take no steps to alter the historic integrity of all historic properties including sites, buildings, structures, and objects within the project right-of-way (the Area of Potential Effect) eligible for listing or listed in the National Register until completion of the Section 106 process of the National Historic Preservation Act, 54 U.S.C. § 306108, and prohibiting CSXT from filing its consummation notice or initiating any salvage activities until the Section 106 process has been completed and the Board has removed the condition.

OEA issued its final EA on November 28, 2018, noting that two comments to the EA were received by the November 27, 2018 due date. The U.S. Environmental Protection Agency (EPA) commented that it did not identify any significant environmental impacts associated with the proposed abandonment but noted the Section 106 condition recommended in the EA and requested a copy of the Board's "finding of no significant impact." OEA noted in its final EA that it will respond to EPA.

Additionally, Cobb County Community Development Agency (the County) commented that the proposed abandonment is in compliance with the Cobb County 2040 Comprehensive Plan, which, among other things, promotes a safe and walkable environment through the development and improvement of trails, parks, and other recreational resources. The County added that it believes the proposed abandonment would have no direct impact on historic or archaeological resources. OEA responded in its final EA that the SHPO indicated that removing the rail line from federal control through the abandonment process constitutes an adverse effect, pursuant to 36 C.F.R. § 800.5(a)(2). Accordingly, OEA continues to recommend the previously recommended Section 106 condition. Based on OEA's recommendation, the historic preservation condition proposed in the EA and final EA will be imposed.¹

This decision, and the proposed abandonment if implemented as conditioned, will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. This proceeding is reopened.
2. Upon reconsideration, the notice served and published in the Federal Register on November 2, 2018, exempting the abandonment of the Line described above is subject to the condition that CSXT shall: (a) retain its interest in and take no steps to alter the historic integrity of all historic properties including sites, buildings, structures, and objects within the Area of Potential Effect that are eligible for listing or listed in the National Register of Historic Places until the Section 106 process of the National Historic Preservation Act, 54 U.S.C. § 306108, has been completed, (b) report back to OEA regarding any consultations with the SHPO and the public, and (c) not file its consummation notice or initiate any salvage activities related to the abandonment (including the removal of tracks and ties) until the Section 106 process has been completed and the Board has removed this condition.
3. This decision is effective on its service date.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.

¹ By decision served on November 19, 2018, the Board granted the motion of Georgia Department of Transportation to extend the deadline to file requests for interim trail use/rail banking. However, no requests were filed by the November 29, 2018 deadline.